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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,769	10/06/2003	James S. McClain	McClain 3	8560

7590
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EXAMINER

CUTLER, ALBERT H

ART UNIT

PAPER NUMBER

2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/679,769

Applicant(s)

MCCLAIN, JAMES S.

Examiner

Albert H. Cutler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/06/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to application 10,679,769 filed on October 6, 2003. Claims 1-7 are pending in the application and have been examined by the examiner.

Information Disclosure Statement

2. The Information Disclosure Statement (IDS) mailed on October 6, 2003 was received and has been considered by the examiner.

Drawings

3. The drawings are objected to because "Bottom 45 (Fig. 2)" as taught in the specification is not labeled "45" on figure 2. Also, "head 49 of a lag bolt" as taught in the specification is not labeled "49" in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each

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drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 2 and 4 are objected to because of the following informalities: Lack of clarity and precision.

Consider claim 2, "The device as defined in Fig. 1" should be written as, "The device as defined in **claim 1**" in order to maintain clarity. Appropriate correction is required.

Consider claim 4, "The device as defined in Fig. 1" should be written as, "The device as defined in **claim 1**" in order to maintain clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bakshi et al.(US Patent 5,946,404) in view of Haugaard(US Patent 2,688,901), and further in view of McClain(US Patent 6,390,239).

Consider claim 1, Bakshi et al. teach:

A device for preventing theft of a camera assembly(figures 1-6, column 3, line 15 through column 4, line 44) which is mounted(The theft prevention device is mounted via a mounting bracket(16) which comprises a wall mount bracket(70, column 3, lines 59-60). The wall mount bracket(70) is bolted to a wall bracket(171)(column 4, lines 1-4). Such wall bracket(171, figure 3a) would be mounted to a wall via the three exterior screw holes(see figure 3a).) said assembly(see figure 2) comprising instruments including a camera("camera assembly board", 24, and "motherboard", 26, column 3, lines 24-27) and a case("camera housing", 10, figures 1, 2, and 5) substantially enclosing said instruments(see figure 2), said case(10) having peripheral sides and a

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front side(see figure 1) having defined therein openings(cover plate(19) covers the opening in the front of the case, see figure 2, and bolt(64) travels through openings 66 and 67) providing external access to viewing instruments(A transparent portion(17) of cover plate(19) provides visual access to the viewing instruments. See figures 2 and 3, column 4, lines 17-23);

said device comprising a housing("camera housing", 10) including top and bottom sides, left and right sides and a front side(see figures 1 and 2, Numeral 18 designates a front portion of the housing.), said front side comprising;

a frame(cover plate(19) covers the opening(i.e. frame) in the front of the case, see figure 2) open at a central location allowing viewing by said instruments(A transparent portion(17), centrally located on cover plate(19), provides visual access to the viewing instruments. See figures 2 and 3, column 4, lines 17-23) and the frame overlapping the instruments so as to preclude removal thereof from the front(see figure 2, The frame, defined by cover plate(19), is smaller(i.e. it overlaps) than either the camera assembly board(24) or motherboard(26));

said top side at a rear location thereof connected to a second vertical and upwardly extending bracket("mounting box", 14, see figure 2. Mounting box(i.e. bracket, 14) is connected to the top side of the housing via bolt(64). Mounting box(14) is vertical and extends upward from about the middle portion of the back area of the housing.) having defined therein an opening("hole", 69, see figure 4, column 3, lines 53-56) for receiving a second lag bolt("bolt", 64, see figures 2 and 4), a hub connected to said second bracket(14) and disposed around a head of said second lag bolt(A hub is

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formed in the top portion of the case(10) itself that allows the passage of the bolt(64). This hub includes apertures 66, 67, and 69. See figures 2 and 4, column 3, lines 53-58), precluding access to the second bolt(64) in a radial direction(see figures 1 and 2, The hub, which is integral in the case(10), precludes access to the bolt in the radial directions.)

However, Bakshi et al. do not explicitly teach that said bottom side at a rear location thereof is connected to a first vertical and upwardly extending bracket having defined therein an opening including an enlarged lower portion allowing passage of said bracket over a lag bolt head and a narrower passage allowing sliding vertical movement, but not movement away from the surface it is connected to so that the first bracket may be hooked over the first lag bolt and pulled downward into position.

Haugaard teaches of brackets for hanging glass mirrors or the like(column 1, lines 1-5). Like Bakshi et al., Haugaard teaches of a device that provides support against a wall(column 1, lines 7-10). Also like Bakshi et al., Haugaard teaches of using bolts when mounting with the device(column 2, lines 29-39). In figure 3, Haugaard details the mounting of an assembly(30) to a wall(26) via a specialized bracket(10).

In addition to the teachings of Bakshi et al., Haugaard teaches a first vertical and upwardly extending bracket(10, figure 1, column 2, lines 14-48) having defined therein an opening("inverted keyhole slot", 18, figure 1) including an enlarged lower portion("annular opening", 19) allowing passage of said bracket(10) over a lag bolt head(A lag bolt("screw or the like", 25) is screwed into a wall and the assembly is "hung on the screws(25) by passing the heads(28) through the openings in the keyhole

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slot(18)", column 2, lines 43-46) and a narrower passage("elongate vertical slot", 20) allowing sliding vertical movement, but not movement away from the surface it is connected to so that the first bracket(10) may be hooked over the first lag bolt(25) and pulled downward into position("then lowering the assembly until the screw heads(28) enter the vertical slots(20) of the hangers". See figure 3, the bracket(10), which is attached to the assembly via screws or the like in holes(13) is slid(i.e. vertical sliding movement), over the head(28) of the screw or the like(25). The screws or the like(25) would prevent movement away from the wall.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to connect a bracket as taught by Haugaard to the bottom of the back portion(i.e. the bottom side at a rear location) of the housing taught by Bakshi et al. via screw holes(13) taught by Haugaard, and use that bracket to mount the housing to a wall as taught by Haugaard for the benefit that the bracket increases stability, is simplified in construction, capable at mass production at low cost, secure and effective in use, permits easy assembly, assures uniform mounting, and can mitigate the danger of accidental dislodgement while permitting ready deliberate removal(Haugaard, column 1, lines 17-35).

The combination of Bakshi et al. and Haugaard teaches that the second bolt(64) connects second bracket(14) to the wall because the second bolt connects the second bracket to the housing(10) which would be connected to the wall via the first bolt(25) and bracket(10) taught by Haugaard.

The combination of Bakshi et al. and Haugaard teaches of a camera housing that contains a hub and is connected to a wall mount. However, the combination of Bakshi et al. and Haugaard does not explicitly teach that the first and second brackets are connected to a tree, or of a plug lock engageable with said hub, precluding access in an axial direction.

McClain teaches of a tree stand theft prevention device. The device of McClain is similar to that taught by Bakshi et al. in that both devices contain security measures to prevent theft or tampering. The device of McClain is also similar in that a bolt(30, figures 2 and 3) is used to connect the device(column 2, lines 38 through 43). However, whereas Bakshi et al. teach of using a tamper proof bolt to improve security(Bakshi et al., column 3, lines 56-63), McClain teaches of using a plug lock(McClain, column 2, line 65 through column 3, line 8). Bakshi et al. teach that video monitoring is particularly useful for reducing vandalism and misbehavior in certain applications(Bakshi et al., column 1, lines 34-36). McClain teaches that new security devices are needed to prevent the theft of tree stands which are left in the woods unattended(column 1, lines 21-24).

In addition to the teachings of Bakshi et al. and Haugaard, McClain teaches a plug lock(58) engageable with a hub(56), precluding access in an axial direction(see figures 2, 3, and 4, column 2, line 65 through column 3, line 8. The plug lock is positioned in the hub(56) around the head of the bolt(30) to prevent intruders from tampering with the bolt.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention connect the device using brackets taught by the combination of Bakshi et al. and Haugaard to a tree as taught by McClain because tree stands are prone to theft due to the fact that they are left in the woods unattended(McClain, column 1, lines 21-24) and the device taught by the combination of Bakshi et al. and Haugaard is particularly useful for preventing vandalism and misbehavior(i.e. prevention of theft, Bakshi et al., column 1, lines 34-36). It would also have been obvious to a person having ordinary skill in the art at the time of the invention to use the plug lock taught by McClain placed in the hub, around the head of the second bolt taught by the combination of Bakshi et al. and Haugaard for the benefit that the plug lock would deny access to the bolt head and thus make removal of the bolt and/or theft of the device substantially more difficult(McClain, column 1, line 64 through column 2, line 7).

Consider claim 2, and as applied to claim 1 above, the combination of Bakshi et al. and Haugaard does not explicitly teach that each of said left and right sides of said housing includes a rearwardly extending triangular portion having a point at a middle position, said triangular portion adapted to be driven into or bent around the said tree.

However, McClain teaches that two opposing sides("side plates", 46 and 48) of a housing("theft prevention device", 24, figure 2) includes a rearwardly extending triangular portion having a point at a middle position("side plates 46, 48 may have a triangular portion 50, 52 at their distal ends providing a point 53, 54 in a central position", column 2, lines 60-64, figure 2), said triangular portion adapted to be driven

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into or bent around the said tree("which may be driven into the tree as may be required for closing any gap between theses plates and the tree", column 2, lines 60-64).

Consider claim 3, and as applied to claim 1 above, Bakshi et al. teach that said frame of said front side includes narrow portions at left, right and top locations and a wide portion across a bottom location(See figures 1 and 2, the front, bottom portion has an extension beneath it which makes it wider than either the left, right, or top locations. This wider portion is necessary to accommodate the width of the camera device(24) and motherboard(26). See figure 2).

Consider claim 4, and as applied to claim 1 above, Bakshi et al. teach that the second bracket(14) comprises a bent-over extension portion of a horizontally extending top housing member(Bracket(14) in itself forms a horizontally extending portion of the top housing member, see figure 2. The rear side of bracket(14) is formed by a bent over portion(i.e. the portion on which the number 14 is shown on in figure 2) of the horizontally extending top portion.).

However, Bakshi et al. does not explicitly teach of a first bracket.

Haugaard teaches that the first bracket(Haugaard, 10, figure 1) comprises a bent-over extension portion of a horizontally extending bottom housing member(The bracket(10) of Haugaard would be connected to the bottom housing member of Bakshi et al.(see claim 1 rationale). The bracket(10) in itself would form a bent-over horizontal extension because bent over portions 14 and 15, as shown in figure 1, extend the

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hole(18) away from the housing on which it is connected(i.e. the bottom housing).

Column 2, lines 14-23).

Consider claim 5, and as applied to claim 1 above, Bakshi et al. teach that said hub comprises a tubular member(Apertures 66, 67, and 69, are tubular in shape, see figure 4) having a first end(69) mounted on said bracket(14) axially with relation to said second lag bolt(See figures 2 and 4, second lag bolt(64) is screwed into the first end(69) of the hub axially.) and a second end(66).

However, the combination of Bakshi et al. and Haugaard does not explicitly teach that second end(66) of the hub is disposed to receive a plug lock.

McClain teaches that the second end of the hub is disposed to receive a plug lock(see figure 4, column 3, lines 9-16. McClain teaches that the hub contains an inner portion and an outer portion, and the outer portion(i.e. second end) receives the plug lock.)

Consider claim 6, and as applied to claim 1 above, the combination of Bakshi et al. and Haugaard does not explicitly teach that said hub includes a slot defined therein and said plug lock includes a catch engaging said slot.

However, McClain teaches that said hub(56, see figure 3) includes a slot(64) defined therein and said plug lock(58) includes a catch(62) engaging said slot(column 3, lines 4-8).

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Consider claim 7, and as applied to claim 1 above, Bakshi et al. do not explicitly teach that said narrower portion of said opening in said first bracket extends upward from said wider portion.

However, Haugaard teaches that said narrower portion(20) of said opening(18) in said first bracket extends upward(see figure 1) from said wider portion(19).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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SUPERVISORY PATENT EXAMINER